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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,041

10/31/2003

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08/22/2005

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EXAMINER

MASINICK, MICHAEL D

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,041	Applicant(s) BAYOUMI ET AL.	
	Examiner Michael D. Masinick	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/18/2005 have been fully considered but they are not persuasive. Applicant has not addressed the previous rejections and has amended claims 12 and 18 in an effort to further define the invention around the prior art. All rejections are maintained as previously written with additions for the new amendments. Applicant states that Taylor does not show modifying the created instructions based on "inefficiencies of machines in the manufacturing flow". Taylor clearly shows a rules based system which "learns" from previous errors in the system when creating the manufacturing instructions for new parts. These rules (Column 6, lines 43-65 and Column 7, lines 36-59) are able to modify the instructions based on feed rate, cutting speed, machine selection, fixture selection, etc. All of these read on the claim element of "inefficiencies" as a machine which is only capable of certain feed rates or cutting speeds would be swapped out for a machine which is capable of the best possible manufacturing.
2. It is further noted that the claim objections were not addressed by applicant after first action and are repeated below.

Claim Objections (Not addressed by applicant after first action)

1. Claim 17 is objected to because of the following informalities: As applicant did not invent the computer readable medium, the preamble of claim 17 should be changed to "A

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computer program embodied on a computer readable medium...". Appropriate correction is required.

2. Claim 13 appears to be missing some words from the preamble ("wherein the further comprising"). Please double check the language of this claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,991,528 to Taylor et al.
3. Referring to claims 12, 17, and 18, Taylor shows a method (inherently done via a computer program) for generating workflow optimization processes and techniques for use on manufacturing resources of a manufacturing environment comprising the steps of: receiving request for the manufacture of a product or product component (Col 6, lines 8-12 – "The operator will select a specific part..."); and processing the request by a workflow optimization engine, the workflow optimization engine having at least one instruction set to process data according to predefined manufacturing rules (Patent subject – also see "Rules set 109"); and generating by the workflow optimization engine, optimization instructions for use with the manufacturing resources; and modifying, by the workflow optimization engine, the optimization

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instructions based upon identifying inefficiencies of the manufacturing resources (Column 6, lines 43-65 and Column 7, lines 36-59).

4. Referring to claim 13, Taylor shows further comprising communicating the processed data to at least one cooperating manufacturing resource (Claim 2 of Taylor).

5. Referring to claim 14 and 20, Taylor shows wherein the communication step comprises establishing communications over a communications network with the manufacturing resource (Column 4, lines 49-51).

6. Referring to claim 15 and 19, Taylor shows retrieving from a cooperating data store data manufacturing rules and heuristics for the manufacturing environment ("Rules set 109").

7. Referring to claim 16, Taylor shows receiving data from cooperating additional manufacturing optimization resources comprising any of manual data, manufacturing control application, and planning systems for processing and to generate the manufacturing instructions (Col 6, lines 16-42).

Conclusion

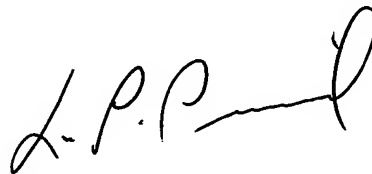
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**